

City Council Introduction: **Monday**, September 30, 2002
Public Hearing: **Monday**, October 7, 2002, at **1:30 p.m.**

Bill No. 02R-216

FACTSHEET

TITLE: **USE PERMIT NO. 143, ANTELOPE CREEK COURT**, requested by Thistle Glenn Investments, L.L.C., to develop 5,500 sq. ft. of veterinary clinic space and 6,000 sq. ft. of office/retail, including a request to modify the sign requirements, on property generally located south of Pioneers Blvd., east of Pioneer Woods Drive and Stacy Lane.

STAFF RECOMMENDATION: Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 06/12/02
Administrative Action: 06/12/02

RECOMMENDATION: Conditional Approval (8-0: Newman, Steward, Carlson, Duvall, Larson, Bills-Strand, Taylor and Schwinn voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4-5, concluding that the modification is acceptable so that this site can have a "center" sign on Pioneers Boulevard. With significant revisions to the grading and site layout, the proposed development is consistent with the goals and principles of the 2025 Comprehensive Plan and conforms to the zoning ordinance.
2. The applicant's testimony is found on p.8-9. The applicant also submitted his testimony in writing (p.20-21).
3. There was no testimony in opposition.
4. The record consists of a letter of concerns from Jerry Kavan of SFI Ltd. Partnership 25 (p.22). The applicant believes the concerns of SFI Ltd. Partnership 25 have been addressed (See Minutes, p.8).
5. On June 12, 2002, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated May 28, 2002.
6. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 23, 2002

REVIEWED BY: _____

DATE: September 23, 2002

REFERENCE NUMBER: FS\CC\2002\UP.143

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Use Permit #143
Antelope Creek Court

DATE: May 28, 2002

PROPOSAL: To develop 5,500 square feet of veterinary clinic space and 6,000 square feet of office/retail, with a modification to sign requirements.

WAIVERS: A modification per §27.69.046(c) to permit a center sign where there is less than 300 ft. of street frontage.

LAND AREA: 1.5 acres, more or less

CONCLUSION: The modification is acceptable so that this site can have a “center” sign on Pioneers Boulevard.

With significant revisions to the grading and site layout, the proposed development is consistent with the goals and principles of the 2025 Comprehensive Plan and conforms with the zoning ordinance.

<u>RECOMMENDATION:</u>

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Pioneer Academy Subdivision, Located in the NW 1/4 of Section 10, T9N, R7E of the 6th P.M., Lancaster County, Nebraska.

LOCATION: South of Pioneers Boulevard, east of Pioneer Woods Drive and Stacy Lane

APPLICANT: Thistle Glenn Investments, L.L.C.
6801 Yankee Hill Road
Lincoln, NE 68516

OWNER: same

CONTACT: William D. Collins, DVM
(402) 423-5397

EXISTING ZONING: B-2 Planned Neighborhood Business District

EXISTING LAND USE: Single Family Dwelling

SURROUNDING LAND USE AND ZONING:

North: R-3 Open space north of Pioneers Boulevard
South: R-3 Platted residential lots
East: R-3 Antelope creek and gymnastics school
West: R-5 Lenox Village apartments

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan designates this site as Residential. Commercial sites smaller than 5 acres were not shown on the Land Use Plan. This site is already zoned B-2, so it should be reviewed for conformance with the general goals and strategies of the Comprehensive Plan.

From the 2025 Comprehensive Plan:

General Principles for All Commercial & Industrial Uses

Commercial and industrial districts in Lancaster County shall be...

- outside of... floodplain areas
- accessible by various modes of transportation (p F 40)

Commerce Centers - Commerce Centers shall be designed and constructed to meet the intent of the environmental resources section of this plan.

Commercial location should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Centers should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points. (p F 44)

Watershed Management - Guiding Principles

The community should encourage site designs that are compatible with the natural characteristics of the site, clustering development, minimizing grading and impervious cover, and preserving site hydrology to the maximum extent possible. Naturalized or bioengineered solutions to drainage issues should be used wherever possible. (p F 87)

Pedestrians - The sidewalk system should be complete and without gaps. The pedestrian network in shopping centers should be integrated with adjacent activities. (p F 97)

HISTORY:

May 15, 2000 City Council approved text Change of Zone #3250, which allows use permits on properties less than 5 acres in size under certain conditions.

March 30, 2000 The Planning Director withdrew Change of Zone #3023, which would have changed the zoning on this property from B-2 to R-3.

- | | |
|---------------------|--|
| June 2, 1997 | City Council approved Change of Zone #3012, which changed the zoning from B-2 to R-5 on the property to the west. This action isolated this 1.5 acre site from the remainder of the B-2 zoning district. |
| May 8, 1995 | City Council approved Change of Zone #2864, which changed the zoning on the property from R-3 to B-2. |
| 1979 | The zoning was changed from A-1 Single Family Dwelling to R-3 in the Zoning Update. |
| 1967 | The area was changed from AA Rural and Public Use to A-1 Single Family with the adoption of the Zoning Map Update. |

UTILITIES: Available

TOPOGRAPHY: The site slopes downward from the west towards Antelope Creek. The proposed development uses retaining walls on the west and flattens the site. The land drops approximately 24 feet from the building pads to the east property line and Antelope Creek.

TRAFFIC ANALYSIS: Pioneers Boulevard is classified as a minor arterial in the Comprehensive Plan. Pioneers is currently under construction to an urban cross section and the proposed driveway could potentially be limited to right in and right out movements.

PUBLIC SERVICE: City of Lincoln Fire and Police

ENVIRONMENTAL CONCERNS: Antelope Creek runoff and erosion. Pollutants from the parking lots drain into Antelope Creek, which flows into Holmes Lake.

ALTERNATIVE USES: A commercial development with less impact on the Antelope Creek bank and to the quality of water in Holmes Lake.

ANALYSIS:

1. This request for a use permit proposes the removal of the existing dwelling and the construction of 11,500 square feet of office/retail uses with 53 parking stalls on this 1.5 acre site.
2. Use Permits normally require 5 acres of land area; however, §27.71.260 indicates that a use permit can be granted on a premises which does not meet the minimum total acreage requirement provided that (a) the premises was legally created prior to January 1, 2000; (b) the premises has remained under separate ownership from adjoining properties formerly in the applicable district; and (c) the zoning district in which the premises is located has been reduced in size by other changes of zone isolating the premises from similarly zoned properties. This property meets the above requirements.
3. The parking regulations require only 39 parking stalls for this site (B-2 requires 1 stall per 300 square feet, except for restaurants, which require 1 stall per 100 square feet). The applicant has

provided 53 parking spaces based on the assumption that all uses may be medical offices (1 stall per 225 square feet). The number of stalls should be reduced to a maximum of 45 stalls, although fewer would reduce the amount of hard surfacing. This would reduce the amount of impervious surface adjacent to Antelope Creek.

4. There are a number of issues which arise from the proposed grades. The site grading creates steep banks along the creek and removes a considerable amount of tree mass from the bank. The Army Corps of Engineers has indicated that a wetland determination/delineation is required and that any grading/fill in the flood plain or flood way must be in accordance with their standards.
5. If the grading plan is revised so that grading does not remove vegetation along the creek or occur in the flood plain, this development will be consistent with the guiding principles for watershed management.
6. The parking aisle and stalls should be removed from the required 50 foot rear yard. Although parking is permitted in the required rear yard, there should be greater separation from the residential lots to the south.
7. The frontage of the site is less than 300 feet (198.8 feet) so the City Council must approve the location of the sign per §27.69.046(e).

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

- 1.1.1 A revised boundary survey for Lot 1, Pioneer Academy subdivision.
- 1.1.2 Indicate trees to be removed on the landscape plan.
- 1.1.3 Revise the site development regulations table - 39 parking stalls are required, the maximum height is 40 feet, change "regulator" to "required", remove the building coverage row (regulations do not require that this be shown), remove the impervious coverage row (regulations do not require that this be shown), and correct the floor area ratio.
- 1.1.4 Show the area of this use permit on the Vicinity Map.
- 1.1.5 Revise the sewer service tap location to the satisfaction of Public Works & Utilities.
- 1.1.6 Show the proposed Pioneers Boulevard paving and grading and revise the driveway connection accordingly.
- 1.1.7 Provide a right turn lane meeting design standards or provide a traffic study that proves such lane is not warranted.

- 1.1.8 Add a note to the site plan indicating that changes to uses with more traffic generation may require additional off-site improvements.
- 1.1.9 Dimension driveway and parking stalls to meet Design Standards.
- 1.1.10 Provide a parking lot cross section satisfactory to Public Works & Utilities.
- 1.1.11 Show a sidewalk to be constructed along the Pioneers Boulevard frontage.
- 1.1.12 Provide a drainage study satisfactory to Public Works & Utilities and Design Standards.
- 1.1.13 Revise the grading plan to show the proposed Pioneers Boulevard grading.
- 1.1.14 Revise the site and grading plans so that there is no grading in the flood plain and floodway.
- 1.1.15 Show the flood plain and the floodway on the plans.
- 1.1.16 Provide an outlet for the pond in the front yard.
- 1.1.17 Provide a wetland determination/delineation to the Army Corps of Engineers or have the Corps conduct one. Grading in wetlands/flood plain/floodway must be done in accordance with Corps guidelines.
- 1.1.18 Move the building envelopes to the west and revise the grading plan so that the tree mass is not affected by grading.
- 1.1.19 The grading plan must demonstrate bank stability.
- 1.1.20 Provide a bioengineered or naturalized pre-treatment of storm water runoff from parking areas prior to discharge in Antelope Creek.
- 1.1.21 Provide a landscape plan which meets Design Standards.
- 1.1.22 Show street trees along Pioneers Boulevard. The designated street tree is Swamp White Oak.
- 1.1.23 Dimension building envelopes from the east property line.
- 1.1.24 Dimension the sign envelope and label it as the shopping center sign.
- 1.1.25 Provide the name, address, and telephone number of the developer.
- 1.1.26 Provide a cross-section for the parking lot and sidewalk paving.
- 1.1.27 Provide a sidewalk connection from the buildings to the sidewalk along Pioneers Boulevard.
- 1.1.28 Provide the easements requested by L.E.S.
- 1.1.29 Provide a landscape plan which meets design standards.
- 1.1.30 Indicate on the plans the grading or drainage system necessary to prevent overbank drainage to Antelope Creek.
- 1.1.31 Show structures set back far enough to allow access to the creek on a relatively level area adjacent to the creek.

- 2. This approval permits 11,500 square feet of floor area for office/retail/veterinary uses.
- 3. The requirements of §27.69.046(c) are adjusted to permit an eight foot high, fifty square foot ground sign on a property with less than 300 feet of frontage.

General:

4. Before receiving building permits:
 - 4.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.
 - 4.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the commercial buildings all development and construction shall have been completed in compliance with the approved plans.
 - 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.
 - 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Jason Reynolds
Planner

USE PERMIT NO. 143

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 12, 2002

Members present: Newman, Steward, Carlson, Duvall, Larson, Bills-Strand, Taylor and Schwinn; Krieser absent.

Staff recommendation: Conditional approval.

Proponents

1. Dr. William D. Collins, testified on behalf of Thistle Glenn Investments, L.L.C., which is requesting a use permit for construction of retail, office and a veterinary medical facility at 74th & Pioneers Blvd. Dr. Collins also submitted written testimony. He and his wife have been in a companion animal veterinary practice in Lincoln since 1986. Their remarkable growth has lead to a need for a new and larger facility to accommodate and better serve their clients and patients. The proposed facility will provide a progressive level of accomplished medicine to the community. They currently practice at 48th & Normal Blvd. The new location will offer a needed increase in square footage and will help provide additional off-street parking. The parking will improve the safety for the clients and the patients. There is also an opportunity for complementary businesses to locate in adjacent space, such as dental practices and insurance agents. He also envisions this to be accomplished in a manner conducive to preserving the integrity of the adjacent creek area and enhancing the aesthetic value and appeal of the land by landscaping with water and soil conservation in mind. Dr. Collins and his wife are productive members of the Lincoln business community. They have grown from 1 doctor and 2 staff to 3 doctors and 10 staff members.

Dr. Collins also believes that good neighbors do not need good fences. His desire is that the barriers be very minimal so that businesses can cooperate with each other.

Dr. Collins has met all of the requirements to date. He has talked with Pioneer Gymnastics Academy located on the east side of the property, which is satisfied with this proposal for development.

Dr. Collins welcomed the concerns presented by Lenox Village (SFI Ltd. Partnership 25) to the west, and he believes he has addressed the issues dealing with noise concerns. With tenants in the building there will be more than adequate amounts of noise control and insulation. Dr. Collins has always been careful with odor control. This is not going to be a boarding kennel—this is a veterinary hospital. It is always in the best interest of a medical office to maintain high standards of odor control and sanitation.

Jason Reynolds of Planning staff explained the sign waiver. The applicant is requesting a 50 sq. ft. 8' high ground sign in the front yard. This property only has 198' of frontage; however, since they are not requesting a pole sign, the staff supports the waiver.

Steward inquired whether the watershed management issue has been resolved. Reynolds did not know. John Collins, the architect for the project, advised that typically they would do a watershed calculation for stormwater. This was addressed with Public Works and there is a question whether it is even needed. He assured that it will be addressed. The applicant agrees with the conditions of approval.

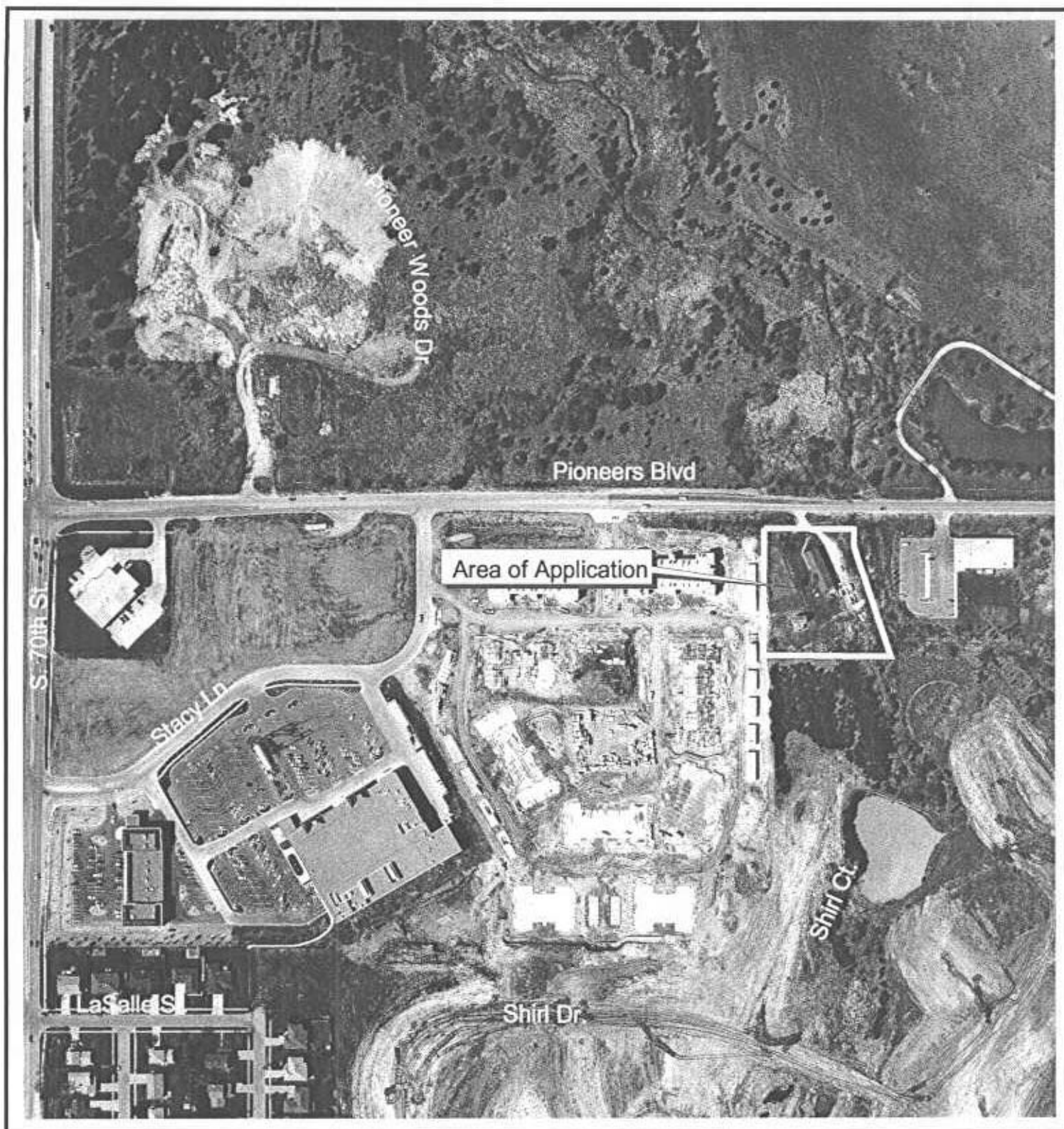
There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 12, 2002

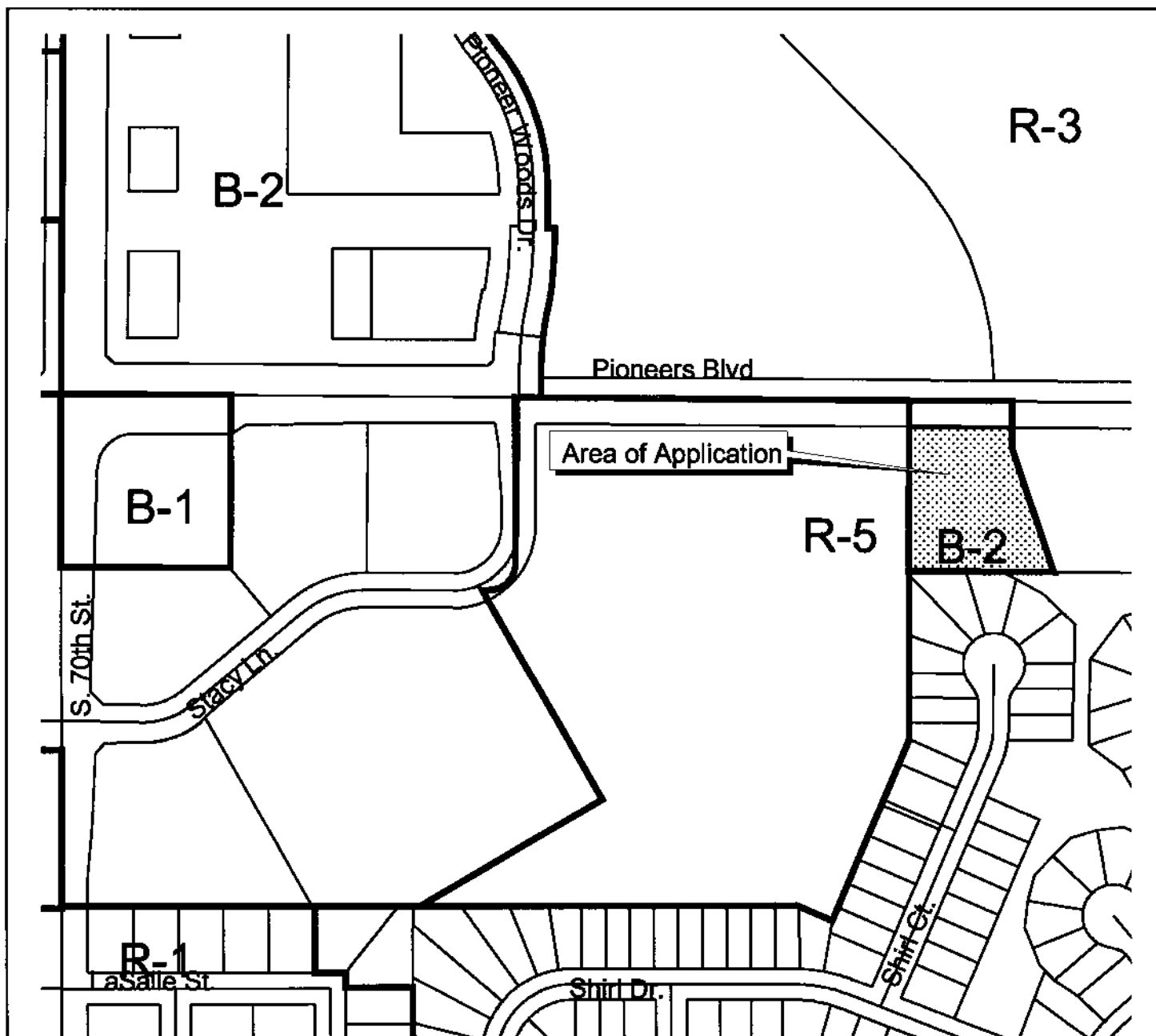
Duvall moved to approve the staff recommendation of conditional approval, seconded by Carlson and carried 8-0: Newman, Steward, Carlson, Duvall, Larson, Bills-Strand, Taylor and Schwinn voting 'yes'; Krieser absent.



Use Permit #143
S. 74th & Pioneers Blvd
Antelope Creek Court



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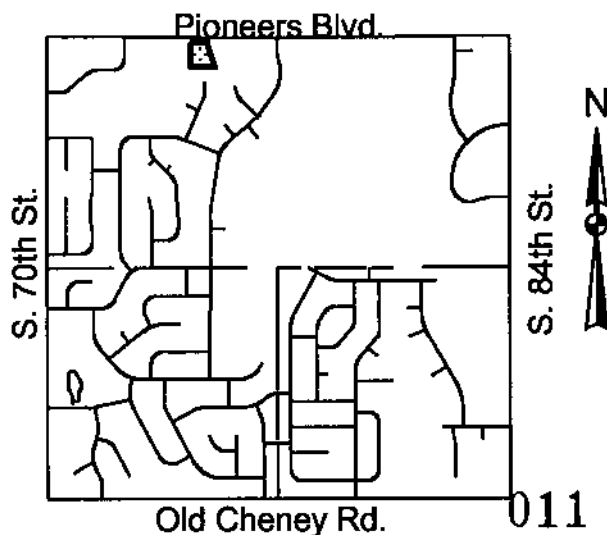
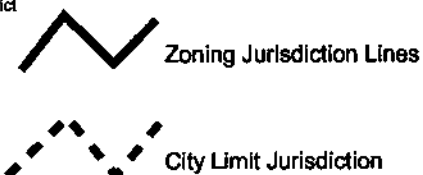


Use Permit #143
S. 74th & Pioneers Blvd
Antelope Creek Court

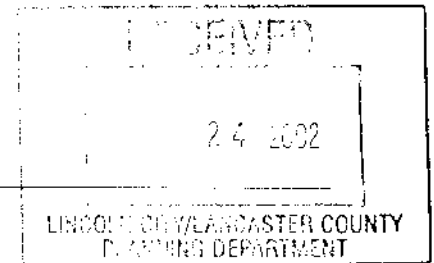
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 10 T9N R7E



Memorandum



To: Jason Reynolds, Planning
From: Dennis Bartels, Engineering Services
Subject: Antelope Creek Court
Date: May 23, 2002
cc: Roger Figard
Randy Hoskins
Virendra Singh
Ben Higgins
Nicole Fleck-Tooze
Lynn Johnson

Engineering Services has reviewed the proposed Use Permit 143 for an office development at 7401 Pioneers Boulevard and has the following comments:

1. Sanitary Sewer - The existing sanitary sewer in Pioneers can serve this development. The service tap location shown is unsatisfactory. The service must tap the sewer west of the sewer siphon under Antelope Creek.
2. Water - The existing water main in Pioneers Boulevard is satisfactory to serve this development.
3. Access and Streets - Pioneers Boulevard is proposed to be widened and constructed to an urban cross-section. A median is proposed in front of the proposed driveway limiting access to right-turn in and out of this site at the driveway location shown. The proposed Pioneers Boulevard paving and grading should be shown on these plans to show that this site operates satisfactorily after the Pioneers Boulevard improvements are constructed.

Land uses and proposed uses must be identified along with projected traffic generation and turning movements. Based upon project traffic, a right turn lane may be required at the driveway both in the interim and after Pioneers Boulevard is widened. The driveway design and any turn lane will be based upon the proposed uses described. Other uses allowed in the B2 zoning may required additional improvements if the land uses are changed.

Driveway and parking lot and parking stall dimensions must be provided to show that the proposal meet design standards.

The 5" asphalt parking lot surfacing does not meet design standards.

4. Trails and Sidewalks - The plans need to be revised to show construction of a sidewalk along the Pioneers Boulevard frontage of this development.
5. Drainage and Grading - A drainage study must be submitted showing the drainage off-site draining into the site and how it is to be handled. The drainage study must size the storm shown in accordance with design standards.

The grading plan must be revised to match future grading and cross-section of Pioneers Boulevard.

The plan shows grading within the flood plain and floodway for Antelope Creek. Appropriate permits are required to grade in the floodway and documentation that the floodway is not raised because of the grading. Engineering Services recommends that the grading be designed to avoid filling the floodplain and floodway. The floodplain and floodway limits must be shown on the plans.

A pond is shown in the front yard setback. No outlet is shown for the pond.

Memo



To: Jason Reynolds, Planning Department

From: Mark Canney, Parks & Recreation

Date: May 23, 2002

Re: Antelope Creek Court

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Please review grades and show a grading that demonstrates bank stability.
2. Provide a pre-treatment of storm water runoff from parking areas prior to discharge into Antelope Creek.
3. Provide a landscape plan for review including existing and proposed.
4. Designated Street tree is Swamp White Oak.
5. Show location of flood way and flood plain on site plan

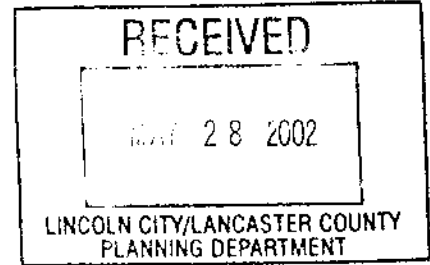
If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE - KEARNEY
1430 CENTRAL AVENUE STREET, SUITE 4
KEARNEY, NEBRASKA 68847-6856

REPLY TO
ATTENTION OF:

May 24, 2002



Mr. Jason Reynolds
City of Lincoln
555 South 10th Street Suite 213
Lincoln, Nebraska 68508

Dear Mr. Reynolds:

This letter pertains to your request to review the Antelope Creek Court proposed by Thistle Glenn Investments. The project is located in the NW ¼ of Section 10, Township 9 North, Range 7 East, Lancaster County, Nebraska.

The following is based on an office determination only. According to the data available at this time, it appears that some "waters of the US" maybe impacted by the project. However, more information is required to make a final determination. The applicant can submit a wetland determination/delineation or the Corps of Engineers can make the determination. The determination must be done prior to any work being started.

If you have any questions regarding this matter, please feel free to contact Mrs. Barb Friskopp at the above address or at (308) 234-1403 and refer to file number NE 02-10699.

Sincerely,

f Michael Rabbe
NE State Program Manager

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Jason Reynolds

DATE: May 28, 2002

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Antelope Creek Court
UP #143

- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.



INTER-DEPARTMENT COMMUNICATION

DATE May 21, 2002

TO Jason Reynolds, City Planning

FROM Sharon Theobald
(Ext. 7640)

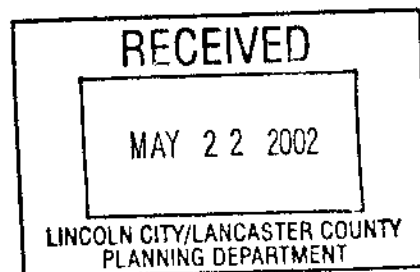
SUBJECT DEDICATED EASEMENTS
DN #43S-74E

Attached is the Use Permit for Antelope Creek Court.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

Sharon Theobald



ST/ss
Attachment
c: Terry Wiebke
Easement File

OFFICEFORDEDEAS.Fm



Benjamin J Higgins

05/31/2002 08:50
AM

To: Jason W Reynolds/Notes@Notes
cc: Devin L Biesecker/Notes@Notes, Dennis D Bartels/Notes@Notes
Subject: additional comments on Antelope Creek Court

Jason

Please add the following two items on the comment letter regarding the Antelope Creek Court Site plan from Collins & Reed Architects.

- Indicate on the plans the grading or drainage system necessary to prevent overbank discharge to Antelope Creek.
- Structures should be set back far enough to allow for access to the creek on a relatively level area adjacent to the creek.

Thanks

Ben Higgins
Watershed Management
City of Lincoln Public Works
441-7589

June 12, 2002

Good Day,

My name is Dr. William Collins. My wife, Dr. Lynn Fry-Collins and I have been in companion animal veterinary medicine practice in Lincoln since 1986. I am a native Lincolnite and Lynn is originally from Princeton, West Virginia. We have chosen to raise our family and practice medicine in Lincoln.

Our remarkable practice growth has led to the need for a new, larger location to accommodate and better serve our clients and patients. Our proposed facility at 74th & Pioneers Blvd. will help us to better provide the Lincoln community with progressive and comprehensive veterinary health care.

Goals for Planned Growth

The planned growth of our practice is best suited by being close to our current practice location at 48th & Normal Blvd. The new location will offer the needed increase in square footage to not only better serve our needs but the addition of ample off street parking will improve safety for our clients and patients as well.

There will be opportunity for complementary businesses to locate in the adjacent available space.

We envision this to be accomplished in a manner conducive to preserving the integrity of the adjacent creek area and enhancing the aesthetic value and appeal of the land by landscaping with water and soil conservation in mind. These prerequisites are very important to us as evidenced by our strong beliefs and support of thoughtful growth through nature and wildlife conservation.

Our Track Record

Our practice, Antelope Creek Veterinary Clinic, is not only a productive member of the Lincoln business community, but has added to our community's employment. We have grown from a one doctor and 2 paraprofessional staff practice to employing three doctors and 10 staff members.

We also greatly value the relationships we have developed with our business neighbors. We count them among our valued clients as well. There is no doubt our success is in part due to good business neighbor relationships, communication, and their good word of mouth referrals. We believe contrary to the old New England saying, that Good Neighbors do not need good fences.

I look forward to answering any additional questions or concerns you may have.

Professionally yours,

William D. Collins, D.V.M.

SFI LTD. PARTNERSHIP 25

June 5, 2002

ITEM NO. 3.2: USE PERMIT NO. 143
(p.25 - Public Hearing - 6/12/02)

Via Facsimile: (402) 441-6377

Attn: Jason Reynolds
Planning Department
City of Lincoln
County-City Building
555 South Tenth Street
Lincoln, Nebraska 68508

**RE: Use Permit #143
South 74th & Pioneers Blvd.**

Dear Jason:

We have preliminarily reviewed the information regarding the referenced application. We own the Lenox Village Apartments that share a property line to the west of this site. We have several concerns and wish to go on record so that these concerns can be addressed during this approval process as follows:

1. Veterinary-related concerns: It is our understanding that outdoor kennels are not being requested, and they will not be allowed in B-2 zoning. We would not support any future variance request to allow outdoor kennels. In addition, we are concerned about barking noises that come from within the building, should the building not be adequately sound-insulated. Odors are a potential concern from this operation also.
2. Sign Variance: Without seeing a sign design or location we cannot support the requested variance. Before such a variance is allowed, those most impacted should be provided with sufficient information to analyze the issues.
3. Grading: There are significant grade changes between the apartment property and the referenced property. Proper slope protection or well-constructed retaining walls need to be in place to prevent erosion of the apartment property, even during construction.
4. Screening: Proper screening needs to be provided between the residential use at the apartment property and the commercial use at the referenced property.

We reserve the right to raise additional issues once we are provided with more details of this application. Kindly, forward whatever plans and details are available.

Sincerely,

SFI Ltd. Partnership 25



Jerry Kavan

JK/alm

022